

THIS TRANSMITTAL MUST BE USED FOR ALL CORRESPONDENCE AFTER INITIAL FILING

PTO/SB/21 (AW)(03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 12

Application Number 10/611,763

Filing Date July 1, 2003

First Named Inventor William T. Wilkinson

Art Unit Unknown

Examiner Name Unknown

Attorney Docket No. WIL-115US

### ENCLOSURES (Check all that apply)

- Fee Transmittal Form
  - Fee Attached
- Amendment/Reply
  - After Final
  - Affidavits/Declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/  
Incomplete Application
  - Response to Missing Parts under  
37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a  
Provisional Application
- Power of Attorney, Revocation,  
Change of Correspondence  
Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_

- After Allowance Communication  
to Group
- Appeal Communication to Board  
of Appeals and Interferences
- Appeal Communication to Group  
(Appeal Notice, Brief, Reply  
Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please  
identify below): 1449 (4 pages),  
Reference (1)

Remarks:

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or  
Individual

Rex A. Donnelly

Registration No. (Attorney/Agent)

41,712

Signature

Date

July 24, 2003

### CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

July 24, 2003

Name (Print/Type)

Ruth Curran

Signature

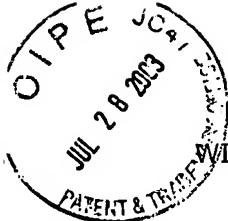
*Ruth Curran*

Date

July 24, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: COMMISSIONER FOR PATENTS, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/611,763  
Applicant: William T. Wilkinson et al.  
Filed: July 1, 2003  
Title: EXERCISE DEVICE FOR EXERCISING UPPER BODY SIMULTANEOUSLY  
WITH LOWER BODY EXERCISE  
TC/A.U.: Unknown  
Examiner: Unknown

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

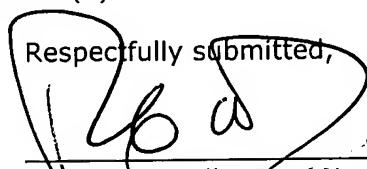
Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (R&P) submitted herewith.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

Under 37 C.F.R. § 1.98(d), copies of the patents and publications listed on the enclosed PTO Form 1449 are not required to be provided, because they were cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/033,108, filed December 28, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. However, Citation No. 63 is newly submitted and therefore a copy is enclosed.

This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application or before mailing of the first Official Action. No first Official Action has yet been received and it is presumed that none has yet been mailed. No fee or statement is required. 37 C.F.R. § 1.97(b).

Respectfully submitted,  
  
Rex A. Donnelly, Reg. No. 41,712  
Attorney for Applicants

RAD:rc

Enclosures: PTO Form 1449 (4 pages)  
Reference (1)  
Transmittal Form

Dated: 7/24/03

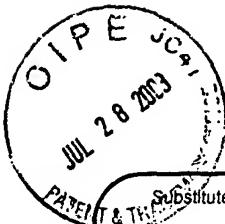
<input type="checkbox"/> P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700
<input checked="" type="checkbox"/> P.O. Box 1596 Wilmington, DE 19899 (302) 778-2600

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: *July 24, 2003*

  
Ruth Curran

Ruth Curran



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/08A (AW 4/25/03) (04-03)

Approved for use through 04/30/2004. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 1 of 4

### Complete if Known

Application Number	10/611,763
Filing Date	July 1, 2003
First Named Inventor	William T. Wilkinson
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket No.	WIL-115US

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
1	US-518,967	05/01/1894	Poole		
2	US-605,237	06/07/1898	Spink		
3	US-775,989	11/29/1904	Roberts		
4	US-1,016,729	02/06/1912	Barrett		
5	US-2,017,128	10/15/1935	O'Neill, Jr.		
6	US-3,544,105	12/01/1970	Latta		
7	US-3,596,907	08/03/1971	Brighton et al.		
8	US-3,610,617	10/05/1971	Hepburn		
9	US-3,640,530	02/08/1972	Henson et al		
10	US-3,642,279	02/15/1972	Cutter		
11	US-3,690,654	09/12/1972	Hepburn		
12	US-3,764,132	10/09/1973	Hepburn		
13	US-3,833,216	09/03/1974	Philbin		
14	US-3,861,215	01/21/1975	Bradley		
15	US-3,874,659	04/01/1975	Aharoni		
16	US-3,929,331	12/30/1975	Beeding		
17	US-4,114,874	09/19/1978	Mattila		
18	US-4,114,875	09/19/1978	Deluty		
19	US-4,138,106	02/06/1979	Bradley		
20	US-4,235,439	11/25/1980	De Donno		

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 2 of 4

### Complete if Known

Application Number	10/611,763
Filing Date	July 1, 2003
First Named Inventor	William T. Wilkinson
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket No.	WIL-115US

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
21	US-4,373,716	02/15/1983	Pagani		
22	US-4,538,804	09/03/1985	Zibell		
23	US-4,557,480	12/10/1985	Dudley		
24	US-4,659,077	04/21/1987	Stropkay		
25	US-4,705,269	11/10/1987	DeBoer et al.		
26	US-4,779,866	10/25/1988	Marshall et al.		
27	US-4,779,867	10/25/1988	Hinds		
28	US-4,798,377	01/17/1989	White		
29	US-4,838,543	06/13/1989	Armstrong et al		
30	US-4,884,802	12/05/1989	Graham		
31	US-4,921,247	05/01/1990	Sterling		
32	US-5,013,035	05/07/1991	Nathaniel		
33	US-5,112,287	05/12/1992	Brewer		
34	US-5,147,264	09/15/1992	Braathen		
35	US-5,176,599	01/05/1993	Beliakov		
36	US-5,178,591	01/12/1993	Lyons		
37	US-5,226,867	07/13/1993	Beal		
38	US-5,230,676	07/27/1993	Terauds		
39	US-5,254,064	10/19/1993	Rock		
40	US-5,318,491	06/07/1994	Houston		

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>

Examiner Signature		Date Considered
--------------------	--	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO : Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Substitute for Form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 3 of 4

### Complete if Known

Application Number	10/611,763
Filing Date	July 1, 2003
First Named Inventor	William T. Wilkinson
Art Unit	Unknown
Examiner Name	Unknown

Attorney Docket No. WIL-115US

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
41	US-5,405,305	04/11/1995	Wilkinson et al.		
42	US-5,429,572	07/04/1995	Brown et al.		
43	US-5,476,431	12/19/1995	Wilkinson et al.		
44	US-5,486,149	01/23/1996	Smith et al.		
45	US-5,618,249	04/08/1997	Marshall		
46	US-5,632,708	05/27/1997	Wilkinson et al.		
47	US-5,733,231	03/31/1998	Corn et al.		
48	US-5,876,310	03/02/1999	Mackey et al.		
49	US-5,951,449	09/14/1999	Oppriecht		
50	US-6,042,516	03/28/2000	Norton		
51	US-6,123,649	09/26/2000	Lee et al.		
52	US-6,149,559	11/21/2000	Mackey		
53	US-D467,632 S	12/24/2002	Berns		
54	US-2002-0086779-A1	07/04/2002	Wilkinson		
	US-				

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

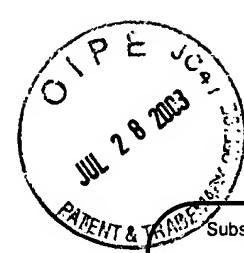
<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND T : Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

SHEET 4 of 4

**Complete if Known**

Application Number	10/611,763
Filing Date	July 1, 2003
First Named Inventor	William T. Wilkinson
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket No.	WIL-115US

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	55	Advertisement for Skytec, Fitness Quest Inc. website, 3 pages	<input type="checkbox"/>
	56	Advertisement for Nordic Track Classic Pro, Nordic Track website, 2 pages	<input type="checkbox"/>
	57	PowerBelt information, Body Trends website, 7 pages	<input type="checkbox"/>
	58	Advertisement for Concourse 8 55 UB Treadmill, 2 pages	<input type="checkbox"/>
	59	DP® Fit for Life General Price List, June 1, 1993 (2 pages); DP® Fit for Life Treadmills Brochure (3 pages); DP® Fit for Life Roadmaster 1995 Catalog (4 pages); Detailed sketch by Randy Bartlett, July 2002 (1 page)	<input type="checkbox"/>
	60	JUSTIN LEONARD, "Cable Flex by Jackie Chan," Fitness Infomercial Review; 5/5/03; 4 pages. <a href="http://www.fitnessinfomercialreview.com/cableflex.htm">http://www.fitnessinfomercialreview.com/cableflex.htm</a>	<input type="checkbox"/>
	61	EXERCISave.com, "Jackie Chan's CableFlex Gym; 4/17/03; 2 pages	<input type="checkbox"/>
	62	International Search Report dated July 31, 2002, to application number PCT/US01/50649 (corresponding PCT application)	<input type="checkbox"/>
	63	Advertisement for Star Trac V-bike® Spinner®, Indoor Group Cycling Superstore website, 6 pages.	<input type="checkbox"/>
			<input type="checkbox"/>

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.